



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Set Public Hearing for August 21, 2002 to consider the appeal from Neumiller & Beardslee, on behalf of Legends Unlimited, regarding the Planning Commission's decision to revoke Use Permit No. 99-02 for Legends Unlimited

**MEETING DATE:** August 7, 2002

**PREPARED BY:** Community Development Director

**RECOMMENDED ACTION:** That the City Council set a public hearing for August 21, 2002 to consider the appeal from Neumiller & Beardslee, on behalf of Legends Unlimited, regarding the Planning Commission's decision to revoke Use Permit No. 99-02 for Legends Unlimited.

**BACKGROUND INFORMATION:** In accordance with the Lodi Municipal Code, the appellants have filed a timely appeal of the Planning Commission decision. The Commission's decision to revoke the Use Permit in question is effective on September 19, 2002 unless a change of ownership of the business takes place prior to that date. The appellants, acting on behalf of the clients, have requested that the City Council review and reverse the Planning Commission action.

Further, as their letter states, "In light of the stay of this resolution adopted by the Planning Commission, my client would be agreeable to a hearing date after September 18, 2002, if the City Council feels this is appropriate." From staff's perspective, we feel the City Council could act upon the appeal in a more timely matter. As such we are recommending the August 21<sup>st</sup> date. The City Council could choose an alternate date as you see fit.

**FUNDING:** None required

Konrad Bartlam  
Community Development Director

Prepared by: Community Development Director

KB/lw

Attachments

**APPROVED:**

H. Dixon Flynn -- City Manager



NEUMILLER & BEARDSLEE

A PROFESSIONAL CORPORATION • ATTORNEYS & COUNSELORS

ESTABLISHED 1903

Anthony L. Vignolo

509 WEST WEBER AVENUE  
FIFTH FLOOR  
STOCKTON, CA 95203

POST OFFICE BOX 20  
STOCKTON, CA 95201-3020

(209) 948-8200  
(209) 948-4910 FAX

FROM MODESTO:  
(209) 577-8200  
(209) 577-4910 FAX

July 12, 2002

Via Federal Express

City Clerk  
City of Lodi  
221 W. Pine Street  
Lodi, CA 95240

RECEIVED

11094-28243

JUL 15 2002

City Clerk  
City of Lodi

Re: Appeal of Lengeds Unlimited Inc and Request for Hearing

Dear City Clerk:

In accordance with Section 17.72.110 of the Lodi Municipal Code, I, on behalf of Legends Unlimited, Inc. and owner Jacqueline Brown, hereby appeal the decision of the Lodi Planning Commission of July 10, 2002 with respect to that resolution which revokes Use Permit No. 99-02. Legends Unlimited, Inc. requests a hearing of the City Council to review such decision.

In light of the stay of this resolution adopted by the Planning Commission, my client would be agreeable to a hearing date after September 18, 2002, if the City Council feels this is appropriate.

Enclosed please find a check in the amount of \$250.00 to cover the appeal fee. Should you have any questions, please do not hesitate to call.

Very truly yours,

ANTHONY L. VIGNOLO  
Attorney at Law

ALV/RAA:ect  
Enclosure

|  |                              |
|--|------------------------------|
| <input checked="" type="checkbox"/> CC | <input type="checkbox"/> HR  |
| <input checked="" type="checkbox"/> CM | <input type="checkbox"/> IS  |
| <input checked="" type="checkbox"/> CA | <input type="checkbox"/> LIB |
| <input checked="" type="checkbox"/> CD | <input type="checkbox"/> PR  |
| <input type="checkbox"/> EUD           | <input type="checkbox"/> PD  |
| <input type="checkbox"/> FIN           | <input type="checkbox"/> PW  |
| <input type="checkbox"/> FD            | <input type="checkbox"/> COM |

**RESOLUTION NO. P.C. 02-23**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI  
REVOKING USE PERMIT 99-02 PERMITTING AN ALCOHOLIC BEVERAGE  
CONTROL LICENSE TYPE-47, ON-SALE, GENERAL (EATING PLACE)  
LOCATED AT 27 WEST ELM STREET (LEGENDS)**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested revocation of the Use Permit allowing an on-sale alcoholic license at LEGENDS.

WHEREAS, the holder of the Use Permit is Jacqueline Brown, 27 West Elm Street, Lodi, CA; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows.

1. LEGENDS has violated the conditions of its permit for the dispensing of alcohol. The Type 47 license issued by ABC requires a restaurant food service be the main component of the business.
2. In light of the above facts, Planning staff has determined that conditions 2 and 3 of Resolution 99-12 have not been adhered to and constitute adequate grounds for revocation of the Use Permit.
3. The Revocation of this Use Permit shall be effective on September 19, 2002 if the business has not been transferred to an unrelated entity. Should a transfer occur prior to September 19, 2002, the Use Permit shall remain in effect.

Dated: July 10, 2002

I hereby certify that Resolution No. 02-23 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on July 10, 2002, by the following vote:

|          |                |   |
|----------|----------------|---|
| AYES:    | Commissioners: | Heinitz, Mattheis, Phillips, and Crabtree |
| NOES:    | Commissioners: | Beckman and White                         |
| ABSENT:  | Commissioners: |   |
| ABSTAIN: | Commissioners: |   |

ATTEST:   
Secretary, Planning Commission

CITY COUNCIL

PHILLIP A. PENNINO, Mayor  
SUSAN HITCHCOCK,  
Mayor Pro Tempore  
EMILY HOWARD  
KEITH LAND  
ALAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702  
FAX (209) 333-6807

H. DIXON FLYNN  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
RANDALL A. HAYS  
City Attorney

July 15, 2002

Anthony L. Vignolo, Attorney at Law  
Neumiller & Beardslee  
P.O. Box 20  
Stockton, CA 95201-3020

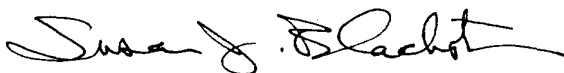
**APPEAL OF PLANNING COMMISSION DECISION**  
**Legends Unlimited, Inc. – Use Permit No. 99-02**

The City Clerk's Office is in receipt of your correspondence regarding the above subject dated July 12, 2002. This letter is to inform you that in addition to providing a copy to the City Council we have forwarded your correspondence to the following departments for information, referral, or handling: 1) City Manager, 2) City Attorney, and 3) Community Development Department.

Your check in the amount of \$250 was forwarded to the Community Development Department. You will be notified in writing of the date this matter will be considered by the City Council.

Should you have any questions regarding this, please contact the City Clerk's Office at (209) 333-6702.

Sincerely,



Susan J. Blackston  
City Clerk

cc w/enclosure: City Manager  
City Attorney  
Community Development Department

E-14

RECEIVED

11094-28243

AUG 05 2002

City Clerk  
City of Lodi

*Anthony L. Vignolo*

509 WEST WEBER AVENUE  
FIFTH FLOOR  
STOCKTON, CA 95203

POST OFFICE BOX 20  
STOCKTON, CA 95201-3020

(209) 948-8200  
(209) 948-4910 FAX

FROM MODESTO:  
(209) 577-8200  
(209) 577-4910 FAX

August 2, 2002

**Via Fax and U.S. Mail**

Councilmembers  
Lodi City Council  
c/o City Clerk's Office  
P.O. Box 3006  
Lodi, CA 95241-1910

Re: Legends Request that Appeal Hearings be set on October 16, 2002

Dear Councilmembers:

On July 10, 2002, the Lodi Planning Commission voted 4-2 to revoke Conditional Use Permit 99-02 of my client, Legends Unlimited, Inc., which will be effective on September 19, 2002. According to the resolution of the Commission, the use permit was revoked on the grounds that the Commission did not believe that Legends was operating as a bona fide restaurant, as required by the terms of its Type 47 alcohol license. The Commission indicated that Legends should be operating under a Type 48 (general on sale) alcohol license.

I have recently obtained an application from the Alcoholic Beverage Control Department ("ABC") for an exchange of liquor license, and anticipate that such license will be completed and submitted on or before August 9, 2002. ABC had advised that the approval process will take approximately 45 - 60 days. Today, I received notice from Lodi City Clerk, Susan Blackston, that on August 7, 2002, the City Council will be setting the date for the public hearing, and that Community Development Director, Konradt Bartlam, is recommending that the public hearing be set for August 21, 2002.

As my client has chosen to pursue the exchange of alcohol license simultaneous with her pursuit for a qualified buyer of the business, I respectfully request that the appeal hearing be set for October 16, 2002.

Although Jacqueline Brown, sole shareholder of Legends, is ready and willing to sell the business, it is clear that she will not receive fair market value for the business in light of the pending legal issues. Therefore, since a Type 48 license should eliminate

Councilmembers  
August 2, 2002  
Page 2

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most or all of these legal issues, my client will be more likely to receive fair market value for the business. Although not terminated, the purchase agreement entered into with Monte Vista Development involves a purchase of the business and real property with no money down by Monte Vista Development and for a sum comparable to asset liquidation value only. My client has and will continue to meet and negotiate with other potential buyers. Understandably, however, the success of any such negotiations will likely depend on whether my client can be in a fair bargaining position.

If the exchange of liquor license type is approved, my client would dismiss the appeal to the City Council since revocation of Use Permit 99-02 would be inconsequential to the continued operation of Legends under the new alcohol license. In light of the fact that the process for the exchange of license will take approximately 45-60 days, I respectfully request that, in an effort to avoid unnecessary time and expense to you and my client, the public hearing for this matter be set for October 16, 2002, which should allow ABC sufficient time to make a determination on my client's application for an exchange of license.

In advance, thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me at the office.

Very truly yours,



ANTHONY L. VIGNOLO

ALV:cln

CITY COUNCIL

PHILLIP A. PENNINO, Mayor  
SUSAN HITCHCOCK,  
Mayor Pro Tempore  
EMILY HOWARD  
KEITH LAND  
ALAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702  
FAX (209) 333-6807

H. DIXON FLYNN  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
RANDALL A. HAYS  
City Attorney

August 1, 2002

(Mailed and Faxed)

Anthony L. Vignolo, Attorney at Law  
Neumiller & Beardslee  
P.O. Box 20  
Stockton, CA 95201-3020

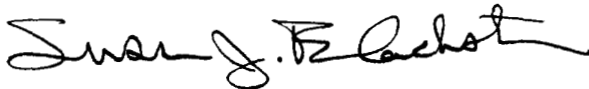
**APPEAL OF PLANNING COMMISSION DECISION**  
**Legends Unlimited, Inc. – Use Permit No. 99-02**

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This is to notify you that at the City Council meeting of August 7, 2002 at 7:00 p.m. or as soon thereafter as the matter can be heard, in the Council Chamber, at the Carnegie Forum, 305 West Pine Street, Lodi, the Council will consider setting the date for the public hearing pertaining to the above matter.

Enclosed is a copy the August 7, 2002 City Council agenda and staff report related to Consent Calendar Item E-14 as prepared by the Community Development Department. Please note that prior to voting on the Consent Calendar the Mayor will offer an opportunity to the public to make comments. Should you wish to do so, please submit a "Request to Speak" card (*available in the Carnegie Forum*) to the City Clerk prior to the opening of the meeting.

Should you have any questions, please contact me at 333-6702, or Community Development Director Rad Bartlam at 333-6711.



Susan J. Blackston  
City Clerk

cc: Jacqueline Brown  
Community Development Department



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: August 21, 2002

Time: 7:00 p.m.

For information regarding this notice please contact:

**Susan J. Blackston**

City Clerk

Telephone: (209) 333-6702

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, August 21, 2002** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) the appeal from Neumiller & Beardslee, on behalf of Legends Unlimited, regarding the Planning Commission's decision to revoke Use Permit No. 99-02 for Legends Unlimited.

Information regarding this item may be obtained in the office of the Community Development Department Director, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

A handwritten signature in cursive script, reading "Susan J. Blackston".

Susan J. Blackston  
City Clerk

Dated: August 7, 2002

Approved as to form:

A handwritten signature in cursive script, reading "Randall A. Hays".

Randall A. Hays  
City Attorney





*Please immediately confirm receipt  
of this fax by calling 333-6702*

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT:** SET PUBLIC HEARING FOR AUGUST 21, 2002 TO CONSIDER APPEAL  
REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED

**LEGAL AD**

**PUBLISH DATE:** SATURDAY, AUGUST 10, 2002

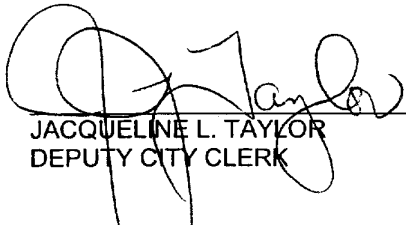
**TEAR SHEETS WANTED:** Three (3) please

**SEND AFFIDAVIT AND BILL TO:**

SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED:** Thursday, August 8, 2002

**ORDERED BY:**

  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

\_\_\_\_\_  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

Faxed to the Sentinel at 369-1084 at \_\_\_\_\_ (time) on \_\_\_\_\_ (date) \_\_\_\_\_ (pages)  
Kelsey \_\_\_\_\_ Phoned to confirm receipt of all pages at \_\_\_\_\_ (time) \_\_\_\_\_ Jac \_\_\_\_\_ Tricia \_\_\_\_\_ Jen (initials)



## **DECLARATION OF POSTING**

### **SET PUBLIC HEARING FOR AUGUST 21, 2002 TO CONSIDER APPEAL REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED**

On Thursday, August 8, 2002 in the City of Lodi, San Joaquin County, California, a copy of the appeal from Neumiller & Beardslee, on behalf of Legends Unlimited (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 8, 2002 at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON  
CITY CLERK**

A handwritten signature in black ink, appearing to read "Jacqueline L. Taylor", is written over a horizontal line.

Jacqueline L. Taylor  
Deputy City Clerk

---

Jennifer M. Perrin  
Deputy City Clerk

---

Patricia Ochoa  
Administrative Clerk



## **DECLARATION OF MAILING**

### **SET PUBLIC HEARING FOR AUGUST 21, 2002 TO CONSIDER APPEAL REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED**

On August 8, 2002 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing notice of Public Hearing For August 21, 2002 To Consider Appeal Regarding Use Permit 99-02 Revocation, Legends Unlimited, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

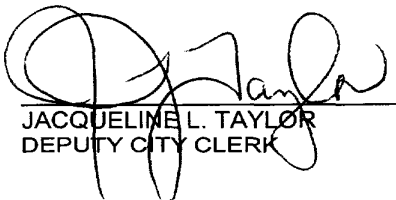
I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 8, 2002, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**

ORDERED BY:

  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

\_\_\_\_\_  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK

## CITY OF LODI

CITY HALL, 221 W. PINE ST.  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

Community Development

*Mailing List - Legends Appeal*

Anthony L. Vignolo, Attorney at Law  
Neumiller & Beardslee  
P.O. Box 20  
Stockton, CA 95201-3020

## CITY OF LODI

CITY HALL, 221 W. PINE ST.  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

Community Development

Jacqueline Brown  
c/o Legends Unlimited, Inc.  
27 W. Elm Street  
Lodi, CA 95240

CITY COUNCIL

PHILLIP A. PENNINO, Mayor  
SUSAN HITCHCOCK,  
Mayor Pro Tempore  
EMILY HOWARD  
KEITH LAND  
ALAN S. NAKANISHI

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702  
FAX (209) 333-6807  
cityclrk@lodi.gov

H. DIXON FLYNN  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
RANDALL A. HAYS  
City Attorney

August 8, 2002

MAILED CERTIFIED MAIL #7000 1670 0008 4483 0947  
and #7000 1670 0008 4483 0930  
AND REGULAR U.S. POSTAL DELIVERY

Anthony L. Vignolo, Attorney at Law  
Neumiller & Beardslee  
P.O. Box 20  
Stockton, CA 95201-3020

**RE: PUBLIC HEARING FOR AUGUST 21, 2002 TO CONSIDER APPEAL  
REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED**

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This letter is to notify you that a Public Hearing will be held by the City Council on **Wednesday, August 21, 2002**, at 7:00 p.m., or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

This hearing is being held to consider your appeal on behalf of Legends Unlimited, Inc. and owner Jacqueline Brown, to the Planning Commission's decision on July 10, 2002 to revoke Use Permit No. 99-22.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.  
*Note: Written correspondence for the City Council may be mailed in c/o the City Clerk's Office, P.O. Box 3006, Lodi, CA 95241-1910, or delivered to the City Clerk at 221 West Pine Street, Lodi, California.*

Should you have any questions, please contact my office or Community Development Director Konradt Bartlam at (209) 333-6823.

Sincerely,



Susan J. Blackston  
City Clerk

SJB/PO

cc: Community Development Director  
Jacqueline Brown, Legends Unlimited, Inc.  
(sent certified and US mail)



**DECLARATION OF MAILING**  
**LETTER TO APPELLANT**

**SET PUBLIC HEARING FOR AUGUST 21, 2002 TO CONSIDER APPEAL**  
**REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED**

On August 8, 2002, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, and additionally, United States certified mail envelopes with first-class postage prepaid thereon and indication of return receipt requested, containing a letter of notification, a copy of which is attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 8, 2002, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON**  
**CITY CLERK, CITY OF LODI**

ORDERED BY:

\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

  
\_\_\_\_\_  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Public hearing to consider the introduction of an ordinance amending Chapter 13.20, Electrical Service, by amending §13.20.204 relating to the Residential All Electric SHARE Program Service

**MEETING DATE:** August 7, 2002

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** That the City Council introduce an ordinance to approve the revision to the Residential Single Household Alternative Rate for Energy (SHARE) Schedule EF income eligibility requirements attached for the Electric Utility Department (EUD). It is recommended that these requirements become effective October 1, 2002. The non-electric residential schedule (ED) was changed previously.

**BACKGROUND INFORMATION:** The California Public Utility Commission has adjusted the income eligibility levels for PG&E electric low-income discount. The EUD has generally followed these changes. The schedule attached reflects these changes.

**FUNDING:** Not applicable

  
\_\_\_\_\_  
Alan N. Vallow  
Electric Utility Director

**PREPARED BY:** Boris Prokop, Power Supply and Rates Manager

ANV/BP/1st

C: Finance Director  
IS Director

**APPROVED:** \_\_\_\_\_

  
\_\_\_\_\_  
H. Dixon Flynn - City Manager

ORDINANCE NO. 1715

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING  
LODI MUNICIPAL CODE CHAPTER 13.20 ELECTRICAL  
SERVICE BY AMENDING SECTION 13.20.204,  
RESIDENTIAL ALL ELECTRIC SHARE PROGRAM  
SERVICE

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 13.20 - Electrical Service, Article III. Rates, is hereby amended by amending Section 13.20.204, by attaching new Exhibit EF, and is made a part hereof as if set out in full.

Section 2. - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. The increased rates shall be effective on applicable electric utility billings prepared by the City of Lodi on or after October 1, 2002.

Approved this \_\_\_\_ day of \_\_\_\_ 2002

\_\_\_\_\_  
PHILLIP A. PENNINO  
MAYOR

ATTEST:

SUSAN J. BLACKSTON  
City Clerk



State of California County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1715 was introduced at a regular meeting of the City Council of the City of Lodi held August 7, 2002 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2002 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1715 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved to Form:

  
RANDALL A. HAYS  
City Attorney



# CITY OF LODI

## ELECTRIC UTILITY DEPARTMENT

### SCHEDULE EF

#### RESIDENTIAL ALL ELECTRIC SHARE PROGRAM SERVICE

#### APPLICABILITY

This schedule is applicable to single-phase domestic power service in single-family and multi-family dwellings with permanently installed electric heating as the primary heat source and separately metered by the City of Lodi where the customer meets the Special Conditions of this rate schedule.

#### RATES:

Minimum Charge ..... \$ 3.90

#### Energy Charge:

##### Summer (May 1 through October 31)

First 585 kWh, per kWh ..... .07590

Over 585 kWh, per kWh..... .10655

##### Winter (November 1 through April 30)

First 1,000 kWh, per kWh ..... .07590

Over 1,000 kWh, per kWh..... .10655

#### PURCHASED POWER ADJUSTMENT (PPCA):

A purchased power cost adjustment may be included in each bill for service. The adjustment shall be the product of the total kilowatt-hours (kWh) for which the bill is rendered times the adjustment amount per kWh. The adjustment amount per kWh will reflect amounts charged the City of Lodi by various suppliers of bulk power not covered in the above rates.

#### BILLING CYCLE CHARGE (MONTHLY BILL):

The Billing Cycle charge is the higher of the sum of the Minimum Charge and PPCA or the sum of the Energy Charge and PPCA.

## SCHEDULE EF

### RESIDENTIAL ALL ELECTRIC SHARE PROGRAM SERVICE

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#### SPECIAL CONDITIONS:

- (a) When a business or commercial establishment is conducted in conjunction with a residence and both are measured through one meter, this rate does not apply.
- (b) This rate does not apply to service used for common area and facilities in multi-family dwellings.
- (c) An additional first block medical quantity is available as described in Schedule MR, Residential Medical Rider.
- (d) Single Household Alternative Rate for Energy (SHARE) Eligibility: To be eligible to receive SHARE an applicant must complete an application and qualify based on the eligibility criteria shown on the table below.

| <u>Number of Persons in Household</u> | <u>Maximum Annual Household Income</u> |
|---------------------------------------|--|
| 1-2                                   | \$22,000                               |
| 3                                     | \$25,900                               |
| 4                                     | \$31,100                               |
| 5                                     | \$36,300                               |
| Each additional member                | \$ 5,200                               |

- (e) Completed applications for SHARE and Residential All Electric must be submitted to the City of Lodi Finance Department. The City of Lodi Finance Department shall certify the eligibility of all applicants.
- (f) Self-certification will be used to determine income eligibility for the SHARE program and for Customer eligibility for Residential All Electric status. Customers must sign a statement upon application indicating that the City of Lodi may verify the Customer's eligibility at any time. If verification established that the Customer is ineligible, the Customer will be removed from the program and rate schedule. The City of Lodi may render corrective billings and proceed with civil action.



***Please immediately confirm receipt  
of this fax by calling 333-6702***

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT:** Set Public Hearing for August 7, 2002 to consider Electric Rate changes for  
the All Electric Residential SHARE Program Service – Schedule EF.

**PUBLISH DATE:** Saturday, JULY 20, 2002

**TEAR SHEETS WANTED:** Three (3) please

**SEND AFFIDAVIT AND BILL TO:**

SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED:** Thursday, July 18, 2002

**ORDERED BY:**

PATRICIA OCHOA  
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

JENNIFER M. PERRIN  
DEPUTY CITY CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

Faxed to the Sentinel at 369-1084 at \_\_\_\_\_(time) on \_\_\_\_\_(date) \_\_\_\_\_(pages)  
Kelsey \_\_\_\_\_ Phoned to confirm receipt of all pages at \_\_\_\_\_(time) \_\_\_\_\_Jac \_\_\_\_\_Tricia \_\_\_\_\_Jen (initials)



## **DECLARATION OF POSTING**

### **Public Hearing for August 7, 2002 to consider Electric Rate changes for the All Electric Residential SHARE Program Service – Schedule EF.**

On Thursday, July 18, 2002 in the City of Lodi, San Joaquin County, California, a copy of Notice of Public Hearing regarding Electric Rate changes for the All Electric Residential SHARE Program Service (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 2002 at Lodi, California.

ORDERED BY:

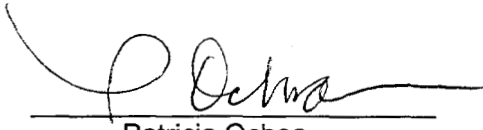
**SUSAN J. BLACKSTON  
CITY CLERK**

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Jacqueline L. Taylor  
Deputy City Clerk

---

Jennifer M. Perrin  
Deputy City Clerk



---

Patricia Ochoa  
Administrative Clerk



**CITY OF LODI**  
**Carnegie Forum**  
305 West Pine Street, Lodi

**NOTICE OF PUBLIC HEARING**

**Date:** August 7, 2002

**Time:** 7:00 p.m.

8/7/02

For information regarding this notice please contact:

**Susan J. Blackston**  
City Clerk  
Telephone: (209) 333-6702

**EXHIBIT A**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that on **Wednesday, August 7, 2002** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Electric Rate changes for the All Electric Residential SHARE Program Service – Schedule EF.

Information regarding this item may be obtained in the office of the Electric Utility Department Director, 1331 South Ham Lane, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, Lodi, California at or prior to the Public Hearing.

By Order of the Lodi City Council:

A handwritten signature in cursive script, reading "Susan J. Blackston".

Susan J. Blackston  
City Clerk

**Dated:** July 17, 2002

Approved as to form:

A handwritten signature in cursive script, reading "Randall A. Hays".

Randall A. Hays  
City Attorney